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In re Application of :  
BESSETTE, Bruno :  
Application No.: 10/589,035 :  
PCT No.: PCT/CA2005/0000220 :  
Int. Filing Date: 18 February 2005 :  
Priority Date: 18 February 2004 :  
Attorney's Docket No.: 40128/05101 :  
For: METHODS AND DEVICES FOR LOW- :  
FREQUENCY EMPHASIS DURING :  
AUDIO COMPRESSION BASED ON :  
ACELP/TCX :

## DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

## BACKGROUND

On 18 February 2005, applicant filed international application PCT/CA2005/0000220 claiming priority to a Canadian patent application filed 18 February 2004.

On 10 August 2006, applicant filed three sets of papers to enter the national stage of PCT/CA2005/0000220 using three different docket numbers 40128/05101, 40128/04901, and 40128/05001. Docket number 40128/05101 was processed as the national stage application of PCT/CA2005/0000220 and denoted as U.S. application number 10/589,035. The other two applications were denoted as U.S. application Nos. 10/589,009 and 10/588,986 respectively. Fees were paid in all three applications.

On 16 October 2006 and 08 November 2006, applicant filed via facsimile a request asking that the DO/EO/US combine the three national stage applications into a single application and that the Preliminary Amendment filed originally in U.S. application number 10/589,035 using docket number 40128/05101 be examined on their merits.

## DISCUSSION

As is evident from the above recited facts, three sets of papers to enter the national stage were submitted for international application of PCT/CA2005/0000220.

The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

Applicant requests that the original Preliminary Amendment filed in U.S. application number 10/589,035 be entered in the national stage application of PCT/CA2005/0000220 so that claims 35-66 can be examined on their merits.

### **CONCLUSION**

All three applications filed 10 August 2006 will be **MERGED** into **ONE** national stage application for PCT/CA2005/0000220.

Applicant must use only U.S. application No. **10/589,535** for all correspondence pertaining for the national stage application of PCT/CA2005/0000220.

The attorney docket number for the above-captioned national stage application remains 40128/05101.

Applicant is advised that U.S. application Nos. 10/589,009 and 10/588,986 are no longer valid patent application numbers.

**Claims 35 to 66 will be examined on their merits as requested in the Preliminary Amendment filed originally in docket No. 40128/05101.**

The fees paid in U.S. application No. 10/589,006 and 10/589 have been credited back to counsel's credit card.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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